3

Ought I to Vote for the Scott Act?

French edition has 2 additional pages -
Letter of Archbishop Lynch to the Globe.

Oug

A VO
C
idly by—
civil libe
and res
freedom
teetotall
proper n
ever, I h
than I h
in the w
If i
whom at
legislati
fighting
virtue ?
The
question
citizen,
decide th
bound to
when th
what my
For
ing. I h
Usurpati
tion. I
"W
to work
sonal co
kind of
characte

3

Ought I to Vote for the Scott Act?

INTRODUCTORY.

A VOTE upon the Canada Temperance Act of 1878 is about to be taken in the County within which I reside. How ought I to vote? I cannot stand idly by—a neutral; there is no room for neutrals in a land which boasts of its civil liberties. The privileges of freedom bear with them commensurate duties and responsibilities. Neglect those duties, evade those responsibilities, and freedom itself will take wing. How then ought I to vote? I am not a teetotaller, though I sympathize with the efforts of those who would, by every proper means, restrain the drinking habits of the people. As a principle, however, I have no faith in legislation as a means of suppressing vice—no more than I have as a means of promoting religion. Still, I have no desire to stand in the way of possible reform.

If it be true that our prisons are filled with miserable beings, four-fifths of whom attribute their fall to Drink, shall I, because I lack faith in prohibitory legislation, stand out openly against it, and place myself in the position of one fighting (to appearance at least) on the side of crime, as against morality and virtue?

These conflicting positions require consideration. I feel that the whole question is one with which I am unfamiliar. One thing is clear: as a citizen, as a parent, as a Christian, I cannot stand idly by and let others decide the matter without my aid. My vote at any rate counts for one; I am bound to cast it, and before I do so I will give the subject careful thought, and when the time comes, will vote irrespective of consequences or appearances on what my conscience may determine to be the right side.

For the time being I quit the subject, and seek change of thought in reading. I have before me *The Popular Science Monthly*. An article on "State Usurpation of Parental Functions," by Sir Auberon Herbert, attracts my attention. I take it up and read:

"Why exert ourselves to enlist the active moral forces of society on our side; to work by sympathy, discussion, advice and teaching of every kind; by personal contact; by that wonderful force of example which makes every better kind of life a magnetic power among the lower kinds; by that softening of character and greater gentleness that diffuse themselves everywhere, as savagery

of all kinds is just allowed to melt quietly away under the thousand influences of civilization; by raising and ennobling our own motives for helping each other, and, above all, by constant efforts to enlarge and increase our own powers of seeing truly, so that we may understand what are the causes of the evils we see around us, and what are the conditions under which they can be successfully attacked? All this is simply superfluous in presence of the modern omniscient and omnipotent Act of Parliament.

I recognize the reasonableness of the remonstrance. I see in full force in Canada the mistaken view here condemned, that moral forces are to give way to positive enactments of law; and that a prohibitory Liquor Law is the proper and efficacious remedy for intemperance. If Sir Auberon has, as I think, rightly described the conditions and methods of moral progress—then prohibition must prove a failure. Has it done so where it has been already adopted?

I take up another number of the same journal and my eye rests upon the words, "An Experiment in Prohibition, by Edward Johnson."

I read his concluding remarks as follows:

"But the practical operation of this severe and sweeping law—there is the rub! It is a fact, which can not be controverted or denied, that for all practical purposes the law is an absolute dead letter. According to the returns of the United States revenue officers, the Government tax on the manufacture and sale of intoxicating liquors in the State (Vermont) amounted last year to fourteen thousand dollars in round numbers. On the same authority, there are in the State at the present time four hundred and forty-six places where intoxicating liquors are sold; and, though the population is well-nigh stationary, there is a marked increase in the number of these places, last year's returns showing only four hundred and twenty-six, and those for the preceding year four hundred and nine. In the city of Burlington there are about threescore places where liquor is sold, and in Rutland, St. Albans, and all the larger towns, a proportional number; and in every village in the State, with the exception of a few inconsiderable hamlets, there is at least one such place. A large proportion of the dram-shops are located upon the principal streets, and there is no concealment or attempted concealment of the illegal traffic conducted within them. As these facts and figures sufficiently indicate, the law, broadly speaking, is not at all enforced. The sale of liquor, it is hardly too much to say, is almost as free and open as though there were no such thing as a prohibitory law. The principal exception to the general rule consists of an occasional spasmodic attempt to enfore the law in larger places, and the fining of liquor dealers on what are termed "disclosures." In the latter case, a person arrested for intoxication is compelled to "disclose" the person of whom he procured liquor, and that person is then tried for the offense. Such cases are very common, but as only the lowest class of liquor dealers is concerned in them, generally speaking, and as the prosecution is invariably for a "first offense," no effective purpose is served in repressing the liquor traffic. In the larger towns, an effort to enforce the law is occasionally made, but such efforts have invariably proved short-lived, and in almost every instance the people have, at the earliest opportunity, rejected at the polls the officers who have attempted to enforce the law. These are the principal exceptions to the general rule of non-enforcement. Of enforcing the law as the laws against burglary and larceny are enforced, no one dreams for a moment. Such is the unsatisfactory result of Vermont's thirty years' experience of the prohibitory liquor law. One might

go still further, and speak of the perjury and subornation of perjury, for which the law is in a sense responsible; of the disregard and contempt for all law which the operation of this law tends to foster and encourage, and of cognate matters which will occur to the reflective reader; but, perhaps, enough has been said in showing the failure of the law to accomplish the object for which it was enacted.

"The cause of the failure of the law is not far to seek. It is obviously that the law is not sustained by public sentiment. It is that the world can not be dragooned into virtue. The supporters of the prohibitory law are well-meaning men and women, who are sincerely desirous of benefiting their fellow-human beings and advancing God's kingdom upon earth: but not even by these will humanity suffer itself to be driven to loftier heights of thought and action. The people of Vermont are not singular in this matter; and there would seem to be no reason why the prohibitory system, a failure in a moral, God-fearing community, should be successful anywhere in the United States."

It is plain that before an intelligent vote can be given on this matter, the whole question needs to be carefully and candidly reviewed.

How far is drink the cause of crime?

Can vices be suppressed by human law?

Has moral suasion proved a failure?

Is Canada a drunken country?

Those and other questions all start up and demand a reply.

I have, with a view to reach an intelligent standing ground, for my own personal action, expended most of my leisure during the past month in reading up the literature of the subject. I know there are thousands quite as anxious as myself to act on the side of right, but who cannot gain the time or opportunity to read. I have, therefore, without any desire to claim originality—for I have in some cases used the very expressions of others—thrown the result of my reading, observation and reflection into a form which may be easily compassed, and may tend to help some who are in doubt to come to a final decision

HISTORICAL.

THE use of intoxicating liquors has prevailed amongst mankind from the earliest ages. The flood had barely subsided (according to Holy Writ) when Noah both used and abused the products of the vine.

Herodotus and Confucius (who were nearly contemporary) refer, the one to the frequent use of an intoxicating beverage made from fermented grain by the Egyptians, and the other to the general use of wine by the people of China. Homer, Dionysius and Pliny made frequent references to the use of wine, the latter making mention of 195 different kinds known in his day. And Tacitus notices the drunken broils of the Germans resulting from the excessive use of beer.

The Romans probably introduced wine, and the Teutons beer, into Britain, which latter soon became the universal beverage of the common people. The distillation of spirits does not appear to have been understood until the early part of the 13th century.

In every age and every clime, therefore, man has been prone to seek, in greater or less degree, the stimulating effects of alcohol.

Steeped as he was in the vices of semi-barbaric life, there was but little restraint upon his appetites or passions. Philosophers raised their warning voices against the custom of drinking to excess, but for centuries there was no public opinion to frown it down, or to circumscribe its growth.

The spread of Christianity through Western Europe, the development of commerce which followed in its train, the refining influences of art, and the rapid growth of literary culture after the invention of printing, all these influences working in unison gradually elevated the standard of morality, until in our own age the habit of drinking to excess forfeits all claim to respectability and decency.

There appears, however, to have been among all classes and nationalities and in all ages a craving for alcohol in some form or other, and it has yet to be proved that, in moderate quantities, its use is harmful.

It has been affirmed by experts within the last quarter of a century that the human system throws off, by means of the breath and the excretions of the various organs, all the alcohol taken into it, and that therefore it can be in no sense food, neither can it perform any useful functions.

Later experiments, however, disprove this position.

Dr. Austin, Dr. Thudichum and Dr. Dupre have recently reinvestigated the subject, and the result of their observations is summed up in an article upon alcohol, in the latest edition of the *Encyclopædia Britannica*, as follows:

"The amount of alcohol eliminated per day does not increase with the "continuation of the alcohol diet; and, therefore, all the alcohol consumed "daily must of necessity be disposed of daily; and as it certainly is not elim- "inated within that time, it must be destroyed in the system.

"The elimination of alcohol, following the ingestion of a dose or doses of "alcohol, ceases in from nine to twenty-four hours after the last dose has been "taken."

"The amount of alcohol eliminated in both breath and urine is a minute "fraction only of the alcohol taken."

"In the course of these experiments the author found that, after six weeks "of total abstinence, and even in the case of a tee-totaller, a substance is "eliminated in the urine, and perhaps also in the breath, which though appa- "rently not alcohol, gives all the reactions ordinarily used for the detection of "alcohol. The quantity present in the urine is, however, so small that the pre- "cise nature of the substance has not been determined."

"The author points out an apparent connection between this substance

"and alcohol. It was found that after the elimination due to the ingestion of "alcohol had ceased, the amount of this substance eliminated in a given time "at first remained below the quantity normally excreted, and only gradually "rose again to the normal standard."

Further researches may show that alcoholic liquors in moderate quantities aid some process of nature, and hence are not wholly without value to the human race.

The theory that the wine referred to in Scripture with approbation is unfermented wine, is altogether discredited by the best Biblical scholars, for which it may suffice to refer to Smith's Dictionary of the Bible; and inasmuch as its use is sanctioned in many places, any denunciation must be held to refer to its *mis*-use. It is not intended to discuss this point. The learned writer refered to disposes fully of the hallucination which distinguishes between fermented and unfermented wine; and it is evident that if other Scriptural arguments were dealt with in the same way as the one respecting the use of wine has been dealt with by teetotallers, we should not have a shred of truth left us to justify the further existence of our Christian churches.

The life-span of man was, according to the Royal Singer some thirty centuries ago, "three score years and ten." Yet, though man has for four thousand years been using alcohol in some of its various forms, we find that in the present day the civilized countries of the world are practically ruled by men who have passed the limits of human usefulness thus assigned to man by the Psalmist.

This does not accord with the theory that the moderate use of alcohol is—as many argue—an unmitigated curse; that it destroys the animal tissue, vitiates the morality, and benumbs the intellectual vigour of mankind.

The fact that crime is frequently allied to drunkenness is beyond controversy; but that it is chiefly the *result* of drinking habits—though generally assumed—is open to question.

Up to a period within the memory of persons still living, at the beginning of the present century, it was the custom to drink wine freely, and not infrequently highly respectable citizens were guilty of carrying their conviviality to excess. Many judges of otherwise estimable character, whose decisions are now daily cited in our courts of law, are reputed to have retired to bed for half a life time more frequently drunk than sober.

It was the custom of the time, and was not deemed to be a serious delinquency. The lower classes imitated their superiors, but none thought of hinting that the conviviality of these respectable men tended to crime.

Customs changed; probably in consequence of the wave of moral and religious influence set in motion by Wesley and Whitfield. By slow degrees these habits were abandoned by the higher classes. Drunkenness began to be considered disreputable; the more respectable members of the industrial classes influenced by the classes above them, followed their example, and drunkenness

in its grosser forms was practiced chiefly by those who were comparatively indifferent to the force of public opinion about other matters.

Restricted in great measure to the "residuum" drunkenness began to be associated with disorderliness, and few but those who were in other ways disreputable would allow their drunkenness to be known or conspicuous. By degrees the class of drunkards was in the main comprised of firstly, those who were manifestly the subjects of disease, secondly, professional criminals, and thirdly, persons of weak natures, who were on the slightest temptation liable to lapse into criminals. It was not therefore drink that caused crime, but rather that the moral weakness or moral perversion which bred crime was a suitable soil for the vice of drunkenness, and hence crime and drink were found usually allied and have continued to be so to this day.

The constant association of crime with drink in the case of this "residuum" led philanthropists to conclude that drink was the main cause of crime.

A generation or two had lived and died since the custom of drinking to excess had been abandoned by the reputable classes, and to superficial observers the conclusion was almost inevitable. They did not stay to enquire whether the higher classes—now moderate drinkers—had in the recent past been led by similar habits into crime. Had they done so it is probable that they might have concluded that the criminal classes were the victims of drink for much the same reasons that they were victims of other vices, *i.e.*, because they were persons of feeble organization, and wanting in every form of self-control.

The tee-total movement began in a philanthropic desire to reclaim drunkards under the belief that drunkenness was the breeding ground of crime, and the fruitful cause of insanity.

For some time it bid fair to result in failure. The taking of the pledge came to be looked upon, as a confession—on the part of those who took it—of pre-existing habits of uncontrollable inebriety, and many even of that unfortunate class, refused to admit to the world that they had ceased to be the masters of their own will.

To cover the drunkards retreat, moderate drinkers were appealed to, to forego their own liberty to help the weak. Many responded, and in consequence the "pledge" ceased to subject the taker of it to any suspicion that he was necessarily a drunkard under duress.

As a moral force, drawing its vitality from philanthropy and charity, won its way until the teetotallers became a power in the land.

"Meanwhile (says Sutton Sharpe in the Fortnightly Review) the earnest "and zealous persons who had commenced by wishing to reform drunkards "had given money very freely in aid of the cause which they had at heart "and consequently there were ample funds available for the machinery of "societies, which in their turn, afforded incomes to a considerable number of "secretaries, organizers, chairmen, presidents, lecturers, fiction writers, and

"other paid retainers. The advocacy of teetotalism in fact became a highly "remunerative profession. It soon became evident that an organization framed "for the exertion of moral force might be subservient to other ends." Our human nature is apt to cherish exaggerated notions of the importance of any great plan which has been concerted by our own wisdom. We forget, says an eminent ethical writer, that we are only to *ourselves* the centre of the universe "—that if all creation appears to revolve around us, the semblance results only "from the point of vision from which we look at it, and that were we suddenly "annihilated the great schemes of Providence would probably unfold themselves "much the same as they did before." The growing sense of power which a successful association of this kind engenders amongst its members, who all feel a proprietary interest in its movements, and whose views were pretty well circumscribed within the area of its operations, gradually led its adherents to long for other spheres of activity than that of moral influence.

In Canada the political aspect of parties favored such a course. absence of a foreign policy, and the settlement of all the great domestic questions which had divided parties on rational grounds, raised minor issues into comparative importance. Temperance candidates appeared and the vote of the Temperance party became an object of desire. The fact became patent that in many counties it might even hold the balance of power.

At this stage the third Parliament of Canada being about to expire by effluxion of time, the Canada Temperance Act was introduced and passed. The uncharitably disposed do not hesitate to express the opinion that many of the members who did not believe in its efficacy, did not dare to oppose it because the majority of their constituents cared but little about it, while the active minority cared for little else; and a vote against it would throw a score or two of votes into the lap of their opponent. At any rate the pressure from one cause or another was sufficient to carry the measure through the House, and it is only now being discovered what it really means.

It is probably the most tyrannical Act which has ever passed the Canadian Parliament and its advocates in the House and throughout the country will not, they assert, be satisfied until they have worried a patient, long-suffering people into absolute prohibition.

They have gone too far; their agressiveness has provoked opposition and reaction.

ETHICAL.

YEAR after year the farmer sows his seed and patiently waits for the results of his labors. He knows that there is a principle of life within each seed which will cause it to put forth its rootlets and gather to itself all the elements which are necessary for its nourishment and growth. What that principle is, he knows not, but so constant, so regular is its action that he counts upon its operation without the slightest doubt. If he gives it any thought he concludes that it must be a principle implanted by some external power. The same power causes the sun to shine, and the rain to fall upon it, to quicken its life forces and supply the conditions requisite for its development.

He does not, like a child, go daily into the field and dig up the grain to see whether or not it is sprouting. In its own good time he is fully assured, that if its environment is such as nature demands, the seedling will put forth its native powers, and that 'ere long his fields will clothe themselves in their appointed green, and his garners will be filled with grain.

Science has been busy more especially during the last few decades, in observing, noting, arranging and classifying all the workings of these invisible agencies. Every discovery made but adds to the certainty that nature performs her functions in the physical world in unvarying obedience to some never-erring law-giver. Physiologists bear the same witness to the reign of law. But as we ascend from the vegetable and animal kingdoms to the realm of mind, we encounter man's free-will, and the response to higher law enacted by the same law-giver is not so immediate. Hence we lack faith in the ultimate triumph of those principles of morality and virtue which we would fain believe are destined to overcome the lower elements of man's nature. We have not faith to sow the seed and wait patiently for the development of the plant. In the region of morality we seem to fear that the hand which controls everything in other realms has lost its power; and instead of doing our part preparing the soil, sowing the seed, destroying the noxious weeds which spring up on every side, we find it far easier to transfer our individual responsibilities and duties to the State, and rely upon the flimsy arm of human law.

All laws for the suppression of vice have resulted from just this want of faith in the vitality of truth, this infidelity to our social obligations. What wonder then that they have failed, and not only failed but have brought about results diametrically opposed to those intended. Ill-considered "laws in favour of religion," says Buckle, "have increased hypocrisy. Laws to secure truth by requiring a multiformity of oaths have encouraged perjury; usu

"laws, directed against the vice of avarice, increased usury, and raised the "interest of money;" and he might have added: The Gin Act of 1736, by placing upon spirits a prohibitive duty, superadded to the vice of drunkenness, the atrocities of the smuggler, and raised up a class of desperadoes, whose recklessness and debauchery contaminated all those with whom they came in contact.

The whole tendency of such legislation has been to nurture a disrespect for law which beginning with certain specific laws gradually extends to law in general, wherever law is opposed to self-interest.

Vicious practices can only be uprooted and overcome by what Dr. Chalmers designated as "the expulsive power of a new affection."

The fundamental error of all those who support prohibitory legislation is that of failing to distinguish between crime and vice. The one threatens the right of others, and is properly amenable to human law; the other is an inward moral distemper in respect of which its subject is accountable only to his own conscience and to his God. Vice may by indulgence therein bring forth crime, but until some overt act has brought the vicious man within the criminal ranks, human law can rightly take no cognizance of him.

But there is a power vested in society, beside which human law is the veriest pigmy, *i.e.*, the power of an enlightened and Christianized public opinion, under the influence of which the lewdness and inebriety of the last century have abated to an extent which then would have been deemed miraculous.

To this influence for the past forty years Temperance advocates have mainly appealed; and with wondrous success!

Mr. John Bright—said in addressing the House of Commons in 1864—'There are some members of this House older than I am, but I am old enough 'to remember when among those classes with which we are more familiar than 'with working people, drunkenness was ten or twenty times more common 'than it is at present. I have been in this House twenty years, and during 'that time I have often partaken of the hospitality of various members of the 'House, and I may assert that during the whole of those twenty years, I have 'no recollection of having seen one single person at any gentleman's table 'who has been in the condition which would be at all fairly described by saying 'that he was drunk. And I may say more, that I do not recollect more than 'two or three occasions during that time in which I have observed, by the 'thickness of utterance, rapidity of talking, or perhaps a somewhat recklessness 'of conversation, that any gentleman had taken so much as to impair his 'judgment. That is not the state of things which prevailed in this country 'fifty or sixty years ago. We know, therefore, as respects this class of persons, 'who can always obtain as much of these pernicious articles as they desire to 'have, because price to them is no object, that temperance has made great 'way; and if it were possible now to make all classes in this country as 'temperate as those of whom I have just spoken, we should be amongst the 'very soberest nations of the earth."

In respect then of the higher classes the appeal to conscience and self respect, to the claims of morality and religion has been successful. With the growth of education and intelligence among the working people, and the extension of sympathy on the part of the higher to the lower classes, they too will be found to be equally amenable to moral influences, and only by such means can the evils of intemperance be overcome.

Moral suasion is a more powerful motor than civil law; Christian love wields a more potent influence than the policeman's baton.

Has it come to this, that professing to be a Christian nation, we virtually say to the world: We have tried the power of the sunlight of truth, we have applied in vain the principles of love and practice of virtue, which mankind was promised should banish sin and shame, and should beget in man a desire to overcome the lusts of the flesh, and communicate a power equal to the task. We have tried all these and they have failed—they are utterly inadequate. The Divine law, if such there be, is powerless; and we have determined to place our hope and confidence in the constable.

High ground this for a people who are aspiring to settle and govern half a continent!

PHYSIOLOGICAL.

REFERENCE has already been made to the fact, that for some years it was asserted, by experts whose opinions were worthy of respectful consideration, that alcohol, even in the most moderate quantities, was hurtful to the human system. This opinion was based upon the belief that no part of the alcohol taken into the system was assimilated or destroyed, but that the whole was speedily rejected. It has also been stated that recent experiments have proved that only a small proportion is so rejected, and that the remainder must therefore be disposed of, neutralized, or destroyed in the system. We are therefore driven to begin anew to enquire, what place in dietetics alcohol holds, and what are the uses it fulfils in the human economy.

A very valuable article appeared in the London *Times* of the 14th August, extending over nearly five columns of that journal, on the subject of alcoholic drinks. The writer asserts broadly, that no doubt as to its generally beneficial influence was even suggested until a time within the memory of some who are still living.

"From the dawn of history until well within the 19th century the habitual "use of alcohol was considered beneficial by the great majority of western peo- "ple; and what is still more to the purpose, it was used with the greatest free- "dom among those nations who became the ruling powers of the world. "Even now," he says, "it would be almost possible to divide nations into two

"classes: the habitual drinker of alcohol and the habitual abstainer from it; "and the division would be found to correspond, at least with tolerable accuracy, "with that farther one which might be made between the nations which rule "over others and the nations which have been subjugated by others."

The writer of the article quoted from goes on to point out that force and energy in the animal world are found to be features of those animals who live upon flesh or upon those grains which contain great nourishing power in small compass; those living upon vegetable diet being relatively inert and slow-moving. Hence those animals feeding upon others get their food in more concentrated form, and less nerve force is required to assimilate and digest. The force they thus husband gives them speed and activity needed to secure their prey.

Alcohol, he considers, is food in its most highly concentrated form, and taken in moderate quantities, *with other food*, enables the system to assimilate it with less expenditure of nerve force in digesting it than if the other food were taken alone, and hence that what nervous energy is saved in this way is available for external work.

The fact that there exists in mankind an almost universal craving for alcohol—that it has been used by nearly all civilized nations for many centuries without reducing the average duration of life; that the material from which it may be extracted exists in profusion all around us; that its taste and odour are pleasing to man; all these considerations would suggest to the unbiassed mind that it has an important office to perform, and the mere negations of medical experts, or assertions of men who are wedded to a theory, and refuse to look at any truth which cannot be woven into the fabric of their belief, cannot be accepted as satisfactorily disposing of the matter.

There is at present absolutely no evidence that alcohol used in moderation is generally harmful; there is no evidence that it is not in many cases beneficial; upon these points we must await further research. Until this feature of the case has been efficiently dealt with legislation aiming to force *A* to relinquish the use of alcohol because *B* thinks it is an evil, is an impertinence.

LEGAL.

EVERY right minded man must sympathize with those who desire the abatement of those evils which grow out of intemperance in the use of alcoholic liquors: but one cannot without serious apprehension regard the action of those who in their eagerness to compass this desired end, would adopt means which menace the most sacred rights both of person and property.

"The principal aim of society" says "Sir Wm. Blackstone" is to protect

"individuals in the enjoyment of those absolute rights which were vested in "them by the immutable laws of nature, but which could not be preserved in "peace without that mutual assistance and intercourse which is gained by the "institution of friendly and social communities. Hence it follows that the first "and primary end of human laws is to maintain and regulate these absolute "rights of individuals." And further, "that system of laws is alone calculated "to maintain civil liberty, which leaves the subject entire master of his own "conduct, except in those points wherein the public good requires some direc-"tion and restraint.

"So great moreover," (says Blackstone in another place) "is the regard of the law for private property that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land. In vain may it be urged that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or no. Besides, the public good is in nothing more essentially interested than in the protection of every individual's private rights, as modelled by the municipal law. In this, and similar cases, the Legislature alone can, and indeed frequently does, interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner; but by giving him a full indemnification and equivalent for the injury thereby sustained. The public is now considered as an individual treating with an individual for an exchange. All that the Legislature does is to oblige the owner to alienate his possessions for a reasonable price; and even this is an exertion of power, which the Legislature indulges with caution, and which nothing but the Legislature can perform."

The question now to be considered is Does the existing Legislation (notably the Canada Temperance Act) jeopardise individual rights whether of person or property, to such an extent that if the same precedents were followed in respect of cognate subjects, civil liberty would be thereby endangered? And if so, is it not well to retrace our steps, and confine legislative efforts to that "direction and restraint" which the public good requires?

It is not intended to question the *power* of Parliament to restrict and restrain even to the extreme of absolute confiscation. "Its jurisdiction," says Sir Edward Coke, "so transcendent and absolute, that it cannot be confined, "either for causes or persons, within any bound," but just because its power is so absolute, it becomes every individual member of it to refuse his sanction to any measure by which individual rights are menaced, except so far as the restriction or regulation of those rights is demanded for the public good. One

man should not be deprived of the rights of person and of property because another man has injuriously exercised those rights.

The foregoing considerations apply to all prohibitory legislation, but the Canada Temperance Act, 1878, besides being objectionable on these grounds, is amenable to a further constitutional one of very grave moment.

Granting for a moment that circumstances might arise in which it might be expedient for Parliament to enact a law entirely prohibiting the manufacture, importation or sale of alcoholic liquors. Is it expedient, or is it in accord with the spirit of our representative institutions, that Parliament should abdicate its functions and delegate to the county electorate in detail the determination of a question with which in its representative capacity it dare not deal? The Sovereign may, and often does, with the consent of Parliament, delegate to subordinate bodies or persons the performance of administrative duties, and grants limited authority to make by-laws and regulations within the scope of the Act, or the mandate under which such appointments are made; but is this not a delegation of executive rather than of legislative functions, that is; is it not legislative only so far as the delegation of legislative power is ancilliary to the specific object aimed at thereby? *The "plebiscite" is as yet unknown to English practice.*

The Right Hon. John Bright (then Mr. Bright) in dealing with this very feature of the permissive Bill, introduced in 1864, by Sir Wilfred Lawson—is reported by Hansard to have said, "What is meant by the representative "system is not that you sh[illegible] have the vote of thousands of persons taken "upon a particular question of legislation, but that you should have men "selected from those thousands, having the confidence of the majority of those "thousands, and that they should meet and should discuss, questions for "legislation and should decide what measures should be enacted; and there-"fore in this particular question I should object altogether to disposing of the "interest of a great many men and of a great many families and a great "amount of property, I should object altogether to allow such a matter to be "disposed of by the vote of two thirds of the ratepayers of any parish or town."

A member of parliament is the nominee of a majority of electors voting in a given constituency but once elected he is the representative, not of the majority by whose suffrage he is elected, but of the whole electoral body. Nor is the horizon of his political responsibility bounded by the constituency electing him, he represents the people.

"Every member," says Sir Wm. Blackstone, "though chosen by one par-"ticular district, when elected and returned serves for the *whole realm*. For "the end of his coming thither is not particular, but general; not barely to "advantage his constituents, but the commonwealth."

Burke, at the close of his speech to the electors of Bristol in 1774, said on this subject:

"My worthy colleague says his will ought to be subservient to yours. If

"that be all the thing is innocent. If government were a mere matter of will "upon any side, yours, without question, ought to be the superior. But gov- "ernment and legislation are matters of reason and judgment, and not of "inclination; and what sort of reason is that, in which the determination pre- "cedes the discussion; in which one set of men deliberate and another decide. " * * * Parliament is not a congress of ambassadors from differ- "ent and hostile interests, which interest each must maintain, as an agent or "advocate as against other agents or advocates, but parliament is a deliberative "assembly of *one* nation, with *one* interest—that of the whole; where not local "purposes, not local prejudices ought to guide, but the general good resulting "from the general reason of the whole. You choose a member, indeed; but "when you have chosen him he is not member of Bristol, but he is a member "of *parliament*. We are now members for a rich commercial city; this "city, however, is but a part of a rich commercial nation, the interests of "which are various, multiform and intricate. We are members for that "great nation, which, however, is itself but part of a great *Empire*, extended "by our virtue and our fortune to the furthest limit of the East and West."

These are lofty sentiments; such sentiments as have made the English House of Commons the grandest deliberative assembly in the world, and have guaranteed amid all vicisitudes the freedom and the greatness of the British nation.

Has it been reserved to the Canadian Parliament to forego these high prerogatives and sink into the position of a mere agent for the construction of a mechanism by which private rights may be ignored and private property may be confiscated—not upon the deliberate conviction on the part of that assembly that such a course is absolutely required in the presence of a great public danger—but simply on the vote of certain detached bodies of tax payers who may not have had the opportunity of discussing the merits of the question, or of considering the momentous interests that are involved in the creation of such a precedent as their vote may establish. Surely an intelligently directed despotism is preferable to freedom in such a guise if freedom it can be called which bends to the yoke of prejudice rather than yields to the voice of deliberation and reason.

STATISTICAL.

BEFORE forcing upon the country a class of legislation which is repugnant to the sentiment of the great majority, inasmuch as it curtails private rights, which is in direct opposition to the spirit of British law, in as much as (in addition to this outrageous evil) it contemplates the further wrong of the confiscation of private property; surely some facts should be presented to prove the extreme urgency of the case.

Let us examine such statistics as are available in order to ascertain whether the drinking usages of Canada are such as call for a method of treatment which could be justified only as a means of averting an overwhelming national calamity.

During the year ended 30th June, 1884, the quantity of intoxicating beverages entered for consumption were as follows:—

	Gallons.	Decimal factor to reduce to alcohol.	Gallons of Alcohol.
Imported spirits, (Estimated at 10 over proof.)	960,935	x 64	614,998
Domestic spirits (proof)	3,608,020	x·57	2,053,721
Imported wines	537,961	x·20	107,592
Ale, beer & porter, imported, 410,484, domestic, 12,969,243	13,379,671	x·04	535,187
Total gallons of alcohol			3,311,498

Estimating the population at four and a half millions this would be equal to a little under three fourths of a gallon per annum for each inhabitant. If we compare this with the quantities credited by Mulhall (Dictionary of statistics) to other civilized countries, it will be found to be a very strong evidence that Canada deserves to be rated as the soberest country in the civilized world.

DRINK OF ALL NATIONS.

	Millions of Gallons.				Alcohol per Inhabitant
	Wine.	Beer.	Spirits.	Eq'iv'l'nt in Alcohol	
United Kingdom	15	1,007	37	67·2	1·92
France	760	190	34	101·0	2·65
Germany	120	880	60	72·4	1·60
Holland	3	35	12	8·2	2·05
Belgium	4	170	10	11·4	2·07
Denmark	2	35	27	5·1	2·60
United States	30	440	76	66·5	1·31
Canada	½	13	4½	3·3	0·74

The maximum amount of alcohol, says Dr. Parkes, that a man can take daily without injury to his health, is that contained in 2 oz. brandy, ¼ pint of sherry, ½ pint claret, or 1 pint of beer. Now, taking two out of five of the inhabitants of Canada to be drinkers of alcoholic liquors of some kind, 1,800,000 persons would be held to consume 3,311,498 gallons of alcohol, or 1.84 gallons each per annum. Beer is estimated to contain 4 per cent. of alcohol. The consumption is therefore equal to 46 gallons of ale per man per annum, or almost exactly one pint per day.

It would appear, therefore, that for the moment, passing by the fact that many are moderate consumers and many others non-drinkers, while alas! too many drink to excess, the pleasing fact remains that, assuming only two out of five to be consumers in any measure of intoxicants, these two average no more than the quantity of alcohol contained in one pint of ale per diem—the quantity cited by Parkes as that which, if exceeded, may prove injurious to the system, and by implication, if not exceeded, will produce no injurious effects.

Now, let us refer to the statistics in regard to insanity. The figures given by Mulhall are as follows:

England	3.2	per	1,000	Inhabitants.
Scotland	3.2	"	"	"
Ireland	3.7	"	"	"
France	2.5	"	"	"
Germany	2.4	"	"	"
Russia	1.1	"	"	"
Belgium and Holland	1.2	"	"	"
United States	3.3	"	"	"
Canada	1.8	"	"	"

As from 20 to 25 p.c. of cases of insanity are estimated to exhibit a dipsomanincal tendency—the low figure credited to Canada under this head may be held in some measure to be confirmatory of the preceding statistics.

The following table, which has been computed with great care and labour from Appendix A, accompanying the Report of the Commissioner of Inland Revenue, is designed to show the quantity of actual alcohol contained in spirits, wine and beer, entered for consumption through Customs and Inland Department, within each Province and for the whole Dominion, during each year respectively from 1868 to 1884, each inclusive.

In arriving at these figures the imported spirits have been assumed to average ten over proof, while the excised spirits are stated in the Inland Revenue statistics at proof.

As about one-fifth of the whole are imported, each gallon consumed has been dealt with as containing 60 per cent. of actual alcohol. The wines which contain 20 to 40 per cent. of proof spirit are all estimated to contain 20 per cent. of alcohol. This is possibly over the mark, rather than under. Malt

liquors have all been taken as containing four per cent. of alcohol.

It only remains to be remarked that, while the aggregate figures for the whole of Canada are indisputably correct, the figures for each Province separately are not so reliable, inasmuch as a considerable proportion of such goods are duty-paid at Montreal or Toronto and are shipped to the smaller Provinces for consumption. Thus, for example, the Province of Quebec is credited with having consumed in 1884 0.90 gallons, while Nova Scotia appears only to have consumed 0.38, and Prince Edward Island 0.30. It is possible that both these last named Provinces purchased a portion of their wines and liquors in Montreal, while, if any malt liquors were shipped from the Province of Quebec or Ontario, the whole of such goods must necessarily have been shipped duty-paid, the duty being levied on the malt, not on the ale or beer produced.

And further: these Maritime Provinces have an extended sea coast; the Island of Ste. Pierre Miquelon lies very conveniently as a base for smuggling operations. It is known that spirits and wines are exported to that island in quantities far in excess of the requirements of its inhabitants, and it must be inferred that many a fishing vessel touching at maritime ports land spirits which have paid no duty to the Canadian Government, and which, therefore, do not figure in its statistics.

TABLE SHOWING CONSUMPTION OF ALCOHOL PER INHABITANT OF CANADA AND EACH PROVINCE THEREOF.

RATE OF DUTY PER PROOF GALLON	YEAR.	ONT. Gall's.	QUE. Gall's.	N. S. Gall's.	N. B. Gall's.	P. E. I. Gall's.	MAN. Gall's.	B. C. Gall's.	TOTAL. Gall's.
	1868	1.00	0.92	0.60	0.69	.....	.....	.....	1.09
	1869	0.75	0.62	0.49	0.57	.....	.....	.....	0.79
	1870	0.87	0.89	0.46	0.69	.....	.....	.....	0.99
63 cents.	1871	1.01	0.98	0.52	0.78	.....	.....	.....	1.10
	1872	1.01	1.10	0.56	0.80	.....	.....	.....	1.19
	1873	1.02	1.10	0.56	0.88	.....	.....	.....	1.18
	1874	1.31	1.15	0.62	0.88	.....	.....	.....	1.37
75 cents...	1875	0.91	0.87	0.46	0.67	.....	.....	.....	0.99
90 " ...	1876	0.96	0.92	0.45	0.61	0.57	0.52	1.00	0.85
" " ...	1877	0.74	0.80	0.44	0.48	0.49	0.20	0.84	0.70
" " ...	1878	0.72	0.79	0.34	0.57	0.28	0.39	1.06	0.68
" " ...	1879	0.98	0.75	0.35	0.49	0.39	0.58	1.33	0.79
$1.00.....	1880	0.57	0.62	0.28	0.38	0.28	0.60	0.81	0.53
"	1881	0.71	0.80	0.35	0.48	0.34	0.28	0.81	0.66
"	1882	0.78	0.88	0.36	0.56	0.27	0.25	0.96	0.76
"	1883	0.83	0.97	0.30	0.60	0.26	0.30	1.24	0.80
"	1884	0.74	0.90	0.39	0.53	0.21	0.23	1.24	0.74

What does this table show? That when the Scott Act was passed, the

Canadian drink bill was barely more than two-thirds of a gallon of alcohol per inhabitant yearly, hardly one-third that of Great Britain, one-fourth that of France, one-half that of the United States. What possible reason then was there for it? With such a record, Canadians have a right to feel aggrieved, in that the liberties of 99 per cent. of their people should be carelessly bartered away for the benefit of the remaining 1 per cent. who may be immoderate drinkers. Why not legislate for the residuum, instead of tying down and enslaving the great mass of the population for their sake?

Look at the Scott Act returns:

NEW BRUNSWICK.

Name of County or City.	Votes for Petition.	Votes against Petition.	Aggr'g'te number of Voters on Roll.	Date when Adopted.	Votes cast at last gen. election.	Total Population.
Fredericton	403	203	788	1878	3,801	6,218
York	1,229	214	3,483	"		24,179
Carleton	1,215	69	2,913	1879*	3,465	23,365
Charlotte	867	149	4,220	"	2,802	26,087
Albert	718	114	2,300	"	1,507	12,329
Kings	798	245	4,499	"	3,001	25,617
Queens	315	131	2,579	"	1,970	14,017
Westmoreland	1,082	299	5,754	"	4,808	37,719
Northumberland	875	673	3,321	1880	2,969	25,109
Sunbury	176	41	1,369	1881	1,155	6,651
Total	7,678	2,188	32,226	.....	25,478	201,291

* This probably includes City of St. John.

Nine counties, having a population of 201,291 souls, are bound hand and foot by the votes of 7,678 temperance advocates—hardly more than *three and a half* per cent of the population affected by it. It is a monstrous tyranny!

PRINCE EDWARD ISLAND.

Name of County or City.	Votes for Petition.	Votes against Petition.	Aggr'g'te number of Voters on Roll.	Date when Adopted.	Votes cast at last gen. election.	Total Population.
Prince	1,762	271	5,434	1878	4,512	34,347
Charlottetown	827	253	1,829	1879	Included in Queens.	11,485
Kings	1,076	59	5,673	"	3,860	26,433
Queens	1,317	99	6,351	1880	6,082	36,626
Total	4,982	682	19,287	.....	14,454	108,891

Prince Edward Island tamely submits to be fettered by less than five per cent. of her population.

NOVA SCOTIA.

Name of County or City.	Votes for Petition.	Votes against Petition.	Aggr'g'te numbers of Voters on Roll.	Date when Adopted.	Votes cast at last gen. election.	Total Population.
Digby	944	42	2,802	1880	1,994	19,881
Queens	768	85	1,574	"	1,252	10,577
Shelbourne	807	154	2,266	1881	1,687	14,913
Colchester	1,418	184	4,147	"	3,339	26,720
Annapolis	1,111	114	3,205	"	2,798	20,598
Kings	1,478	108	3,431	"	3,064	23,469
Hants	1,082	92	3,642	"	2,727	23,359
Pictou	1,555	453	5,780	1882	5,153	35,535
Cape Breton	739	216	3,656	1881	2,803	31,258
Inverness	960	106	3,546	1882	2,974	25,651
Cumberland	1,560	262	4,653	1883	3,498	27,368
Yarmoutth	1,287	96	3,361	1884	2,107	21,284
Total	13,704	1,912	42 063	.....	33,396	280,613

Nova Scotia, to the extent of twelve counties, containing a population of 280,613, yields her right of private judgment at the bidding of 13,704 voters—not five per cent.

In Ontario alone the vote really represents the views of the aggregate electorate, but even here it is carried by the votes of less than one-half the aggregate roll.

ONTARIO.

Name of County or City.	Votes for Petition.	Votes against Petition.	Aggr'g'te number of Voters on Roll.	Date when Adopted.	Votes cast at last gen. election.	Total Population.
Halton	1,483	1,402	4,664	1881	3,561	21,919
Oxford	4,073	3,208	11,327	1884	6,397	50,093
Simcoe	5,712	4,529	13,915	"	9,946	76,129
Stormont					1,967	
Dundas	4,590	2,884	12,210	"	3,349	56,113
Glengarry					2,775	
Bruce	4,501	3,189	12,150	"	8,242	64,774
Huron	5,957	4,304	13,810	"	9,290	76,970
Norfolk	2,781	1,694	7,005	"	6,596	33,593
Renfrew	1,748	1,018	5,676	"	3,751	40,125
Leeds and Grenville	5,058	4,384	10,134	"	7,755	48,661
Brant	1,690	1,088	8,063	"	4,725	24,253
Total	37,593	27,790	98,964	.....	64,578	492,630

If ten, or even two, dollars per head had been demanded, instead of th surrender of private rights and personal freedom, it is doubtful whether a sin gle county would have championed the cause. Is it possible that in a Britis community personal freedom may be sold for two dollars per annum? If huma conduct is to be chalked out in all respects by human law, leaving no roo whatever for the oscillation of feeling and principle; if nothing is safe but wha is enforced by penalties, and no obedience can be left to the spontaneous im pulses of the higher life within; if in all matters pertaining to the gradua evolution of mankind to a higher plane of life and conduct men are to be dea with as brute beasts, to be goaded, and pricked and coerced into right action b police regulations, fines and imprisonments, to what does the value of that free dom amount which Christianity confers, and in what respects do its votarie differ from the veriest slaves in existence?

"When God approaches man he recognizes his independency and freedo "of agency. When man approaches his fellow, he assumes a superior author "ity which we should have rather expected from God." The apprehension o this weak spot in the nature of universal man, leads us to sympathize wit De Toqueville in his nervous forecast of the possible future of Democracy.

"The book of *The Prince*," he says, "is closed forever as a State manua "and the book of *The People*—a book, perhaps, of darker sophistries and mor "pressing tyrany—is as yet unwritten."

If he had waited a few years longer he would have found a few pages a ready open for his perusal.

There is such a thing as "honour amongst thieves," we are told. Tha virtue appears to have assumed very diminutive proportions however amon Teetotal associations and prohibition advocates. The prohibition wave ha already swept over nearly one-fourth of the counties. What provision has bee made for the material interests of those whose property is to be ruined thereby In Ontario and Quebec the manufacturing interest involved is approximately a follows:

ESTIMATED VALUE.

	Buildings and Land.	Plant, &c
Distillers	$1,500,500	$ 628,70
Brewers and Malsters	3,261,090	1,613,96
	* $4,771,590	$2,242,66

Here, then, is an aggregate property of seven millions of dollars, and thi may be probably increased to seven and a half or eight millions if we take i the smaller Provinces, which will be rendered almost valueless should the pro hibition wave extend throughout Canada.

These manufacturers are carrying on a lawful calling—one legalized fro time immemorial, at any rate since the time of Edward VI. They are em

* This property is assessed for municipal purposes at between three and three and a ha millions.

ploying a capital of from ten to twelve millions of dollars in the conduct of heir business, purchasing annually three and a half million bushels of grain, mploying some 2,500 hands; and yet Parliament has put it into the hands of he people to practically confiscate all this property, by the action of a frac- ional portion of the electorate: a portion so insignificant that its success at the olls is no guarantee that it has at its back a sufficient force of public opinion o enforce the law when made. But this seven or eight millions of property is ot all. In case of prohibition, how many million dollars worth of hotel pro- erty will be depreciated to the extent of from 60 to 75 per cent.? How many men conducting such houses—many of them law-abiding men—will be thrown pon the community as future law-breakers?

Recognize their claims, and they will continue to be honest citizens in some ther sphere; refuse to do so, and they will be goaded by a feeling of injustice nto illicit courses. It is an easy thing to raise in man the spirit of Ishmael.

It will probably take from one and a half to two dollars per head of the opulation to settle these claims fairly and honorably. Then there is the lost evenue to be made up from other sources. In round figures this may be aken at $6,000,000; in 1883-4 it was $5,770,353. At the former figures the um to be raised to replace it would be equivalent to $1.33 per head annually, r $6.65 for each family of five. Add to this for the first year $1.50 per head or compensating manufacturers and owners of hotel properties, and we have tax for each family equal to about $14 00 for the first year, and $6.65 for very year thereafter. The County of Huron, for example, has a population f 76,970. At $1.50 its contribution towards a general scheme of compensa- on would be $115,455.

If, through the influence of the Dominion Government, they could sell heir 4 per cent. debentures at par extending over a term of 30 years, a rther 1¾ per cent. being provided annually as a sinking fund for the repay- ent of the principal, then an annual tax for the lifetime of the present eneration would require to be levied of $6,500—equal to nine cents per head— addition to which the residents within that county would have to contribute some increase of Customs and other dues in perpetuity $102,627 per annum make good the deficiency in revenue heretofore accruing upon intoxicants.*

And for what? To cure 20,000 inebriates? And what guarantee that fter all the outlay the object would be accomplished? Absolutely none! ober men might submit, but drunkards never!

---

* Electors do not appear to have any hesitation as to leying upon the community a per- etual impost, equivalent to one and a third dollars per head per annum; for such is the ractical effect of the adoption of the Canada Temperance Act; but the further sum of nine nts per head for thirty years, which would be required to pay off all equitable claims to com- ensation—honestly and fairly—is an item which the champions of a uni-foliate morality refuse award one moment's consideration.

What has been the experience of the United States? Here is the history of its liquor legislation:—

THE LIQUOR TRAFFIC—LAWS OF THE SEVERAL STATES FOR ITS REGULATION.

The Philadelphia *Press* has made a special effort to obtain a statement of the methods adopted in the several States and Territories of the Union in dealing with the drink question, and summarizes the answers it has received from the several secretaries of States as follows:—

"Ironclad Prohibition States with constitutional provision against the manufacture and sale of intoxicating liquors: Maine, Vermont, Iowa and Kansas—4.

"Prohibition State but no constitutional provision: New Hampshire—1.

"States in which Prohibition has been tried, but either for lack of success or change in public sentiment, changed to milder methods: Massachusetts, Connecticut, Indiana, Michigan and Wisconsin—5.

"States and Territories having general and stringent license or 'local option' laws: Rhode Island, New York, Pennsylvania, West Virginia, South Carolina, Arkansas, Illinois, Minnesota Nebraska, Dakota and Washington—11.

"States allowing 'local option' by special act of the legislature: North Carolina, Georgia, Alabama and Mississippi—4.

"States and Territories having no general laws, and where no special attention has been given the subject: New Jersey, Maryland, Virginia, Louisiana, Kentucky, Ohio, Missouri, Nevada, Colorado, Arizona, Montana, New Mexico, Wyoming and Utah—14.

"States and Territories from which we have been unable to obtain replies: Florida, Texas, Tennessee, California, Oregon, Idaho and Utah—7. Total, 46.

Day after day we are receiving intelligence that prohibition in the United States is a failure. Eighteen Mayors of cities in the State of Iowa have recently reported on its results; of these, fifteen pronounce it an absolute failure and state that drunkenness is more than ever prevalent. In Vermont the law is not enforced; four hundred and forty-six places for the sale of liquor exist and the business is carried on as openly as if no law had been enacted to prohibit it.

Massachusetts, Connecticut, Indiana, Michigan and Wisconsin have dropped their prohibitory laws, and have had recourse to legislation to *regulate* the traffic.

It must be so. Unless Legislation is confined to the proper regulation of the houses at which liquors are sold; unless temperance advocates give up the attempt to force sober, well-intentioned men to yield up their natural rights of action and of private judgment, their legislation may *pass*, but it will never be enforced.

Furthermore, the very existence of Canada at the present time depends upon the settlement of the North-West. Those who are to settle it must be drawn from Europe: from Great Britain, Norway, Germany and France. The Germans make the best of settlers. Let it be understood that a law exists

Canada which will prohibit them from using in their domestic circle the "bier" which they have always enjoyed at home, and which their forefathers for centuries have habitually taken, and the fate of the broad prairies, so far as German population is concerned, is sealed. If they leave the "Fatherland," it will be for greater freedom.

CONCLUDING REMARKS.

IN view of the facts set forth in the preceding pages, the principles enunciated, the considerations weighed, I have determined that—holding the views I do—it is my bounden duty, as a citizen and a Christian, to oppose the passage of the Act with all the influence I can bring to bear. Because—

1. It ignores private rights, both of person and of property.

2. It involves a method of legislation which despoils our representative system, by the introduction of the "plebiscite," of its chief recommendation, *i.e.* the necessity, or at any rate the opportunity, which exists under it for careful deliberation and discussion by picked members of the community, who should, by the sifting process of election, be in character and intelligence above the status of the average elector.

3. It is potentially a Prohibitory law, while the principles of Prohibition have more than once been rejected by the people's representatives.

4. There is no guarantee against its provisions becoming law, and, in fact, in many counties it has become law upon the vote of a small minority of the electors.

5. Legislation thus effected must be inoperative, because it has not the necessary weight of public opinion behind it to ensure its enforcement.

6. All legislation incapable of enforcement tends to the subversion of law in general.

7. No instance of Prohibitory legislation can be adduced which has really attained its professed object.

8. The Canada Temperance Act, until it becomes by universal adoption a purely Prohibitory Act, discriminates in favor of the rich as against the poor by prohibiting the sale of liquors in such quantities as the masses can conveniently purchase.

9. The determination of questions affecting trade and commerce (presumably because uniformity throughout the Dominion is an essential feature in the conduct of trade) was placed in the hands of the Federal Parliament. The Canada Temperance Act destroys that uniformity, so that adjoining counties have different liquor laws.

10. Prohibitory legislation will assuredly arrest European immigration and retard the development of the country.

11. The freedom which Christianity has given us is outraged by the adoption of the principle that a man's moral course may be dictated to him by a majority, or even a minority, of his neighbors.

St. Paul, in enunciating principles which should govern the early Christian Church, did not presume, even in the spiritual realm, to outrage Christian willinghood by any positive injunctions as to eating meat or drinking wine. He appealed only to the charity of Christians not to allow their conduct to cause the weak to stumble, and urged a voluntary surrender of their rights, if the full exercise of those rights might cause others to offend.

12. Moral influence has accomplished wonders in the direction of sobriety; the interference of the State will substitute an ineffective for an effective agency, and lose to morality the vantage ground it has gained.

There is one good feature in the Canada Temperance Act, if its provisions could be enforced. It does away with bar-drinking, and with it falls the pernicious custom of treating. But these objects are attainable by means which would not threaten the rights of private judgment, and if conditions were affixed for providing for compensation *in cases in which loss could be established*, there need be no confiscation of private property.

The whole matter would lie within that region of "direction and restraint" to which individuals must submit, in exchanging their natural freedom for the greater security of civilized society.

Fellow Citizens,—"Eternal vigilance is the price of liberty." Tyranny lurks not only behind the imperial purple, or beneath the gilded canopies of kings, nor is it alone the fond conceit of councils sitting in solemn conclave behind barred and bolted doors. It is an inward tendency of universal man. The first two brothers of whom we have any record died the one a fratricide the other a victim to fraternal tyranny, and every attempt at fraternal government has so far ended in much the same way; and must ever do so unless the foundations upon which its authority is based are those of justice and individual right.

A distorted, distempered or even an ill-informed public opinion, may equally with the robed despot, take on the form of tyranny, if the people's representatives are willing that their liberties shall be trampled under foot.

Fellow Christians,—Stand fast in the liberty with which Christ has made you free, and be not entangled again with the yoke of bondage.

"Thou shalt not" has given way before a higher law.

If the world is not ripe for this release from bondage, then (with reverence I say it) whom do we convict of so terrible an error of judgment?

LIBERTAS.

Canada, December, 1884.

THERE is a limit to the legitimate interference of collective opinion with individual independence; and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs as protection against political despotism.

"There are in our own day gross usurpations upon the liberty of private life actually practiced, and still greater ones threatened with some expectation of success, and opinions propounded which assert an unlimited right in the public, not only to prohibit by law everything which it thinks wrong, to prohibit a number of things which it admits to be innocent. Under the name of preventing intemperance, the people of one English colony, and of nearly half the United States, have been interdicted by law from making any use whatever of fermented drinks, except for medical purposes; for prohibition of their sale is in fact as it is intended to be, prohibition of their use."

"There are questions relating to interference with trade which are essentially questions of liberty; such as the Maine law. * * * These interferences are objectionable, not as infringements on the liberty of the producer or seller, but on that of the buyer."

"The acts of an individual may be hurtful to others, or wanting in due consideration for their welfare, without going to the length of violating any of their constituted rights. The offender may then be justly punished by opinion, though not by law." * * *

"The individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself. Advice, instruction, persuasion, and avoidance by other people if thought necessary by them for their own good, are the only measures by which society can justifiably express its dislike or disapprobation of his conduct. * * *

"For such actions as are prejudicial to the interests of others the individual is accountable, and may be subjected either to social or legal punishment, if society is of opinion that the one or the other is requisite for its protection."

JOHN STUART MILL.

dividual inde
is as indispen
potism.

actually prac
opinions pr
aw everythin
ocent. Unde
of nearly ha
r of ferment
is intended

lly questions
jectionable, n
er."

onsideration f
d rights. Th

* *

ese concern t
dance by oth
sures by whi

* *

ual is accou
of opinion th

UART MILL.